

# Memorandum

04 JAN 16 PM 3:17

OFFICE OF THE SECRETARY  
FEDERAL MARITIME COMM

**TO :** Bryant VanBrakle

**DATE:** January 15, 2004

**FROM :** Commissioner Joseph E. Brennan

**SUBJECT :** Summary of Oral Presentation of World Shipping Council re P3-03, P5-03, P7-03, P8-03, and P9-03

This summary of an oral presentation, which took place on January 12, 2004 at 11:30 AM at the Commission's offices at 800 North Capitol Street, NW, Washington, DC, is being submitted to the Secretary of the FMC for submission into the record of the above proceedings. Present for the Commission were Commissioner Joseph E. Brennan and Steven Najarian, Counsel to Commissioner Brennan. Present for the presenters were Christopher Koch, President and CEO of the World Shipping Council, and Stanley O. Sher of Sher & Blackwell.

The presenters made the following points:

The World Shipping Council has filed comments regarding the petitions and will file further comments before the close of the deadline. The World Shipping Council would like to focus its next written comments on the issues that are important to the Commission.

The threshold question is whether the FMC has the legal authority to grant the requested exemptions.

The NVO petitions describe the problem differently and offer different solutions. The record is devoid of real facts. The Commission needs to know how NVOs actually operate and the nature of the problem being alleged. The Commission needs information on the scope and consequences of the alleged problem. The NVO petitioners have been either vague or inconsistent. The UPS and BAX petitions, for example, request different relief. The Commission must build a proper record in order to reach a proper decision.

Exempting 3,000 NVOs from tariff publication would have a significant impact on the industry and on the Commission.

Commissioner Brennan stated that the Commission has reached no decision on the petitions and would carefully consider all issues raised.